

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

LYNN KEUTHAN KOFFLEY,

Debtor.

Case No. 05-15669-RGM
(Chapter 7)

MEMORANDUM OPINION

THIS CASE is before the court on the subpoena issued to Dorothy Keuthan on March 8, 2006; Mrs. Keuthan's motion to quash the subpoena; and Joseph Koffley's opposition to the motion to quash. The facts are adequately set forth in the pleadings and an oral hearing does not appear to be necessary. L.B.R.9013-1(L).

Mrs. Keuthan asserts that KML Irrevocable Estate Preservation Trust is a private trust not involved in the chapter 7 proceeding and that its records are private and are not pertinent to the case. A party to any civil litigation has the right to subpoena records from any third party whether they are involved in the litigation or not if those documents may be relevant to establishing a claim or a defense. The third party is under a legal obligation to comply with the subpoena and may be held in contempt or sanctioned by the court if he or she fails to do so in a timely manner.

In this case, the requested documents may be relevant to the establishment of a claim or to meeting a defense raised in the case and must be submitted. There is no indication that the volume of documents creates any undue hardship on Mrs. Keuthan, the respondent. Consequently, the motion to quash will be denied and an order directing Mrs. Keuthan to comply will be entered.

Alexandria, Virginia
April 11, 2006

/s/ Robert G. Mayer

Robert G. Mayer

United States Bankruptcy Judge

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